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PATENT
Customer No. 22,852
Attorney Docket No. 5725.0843-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David W. CANNELL et al.)
Application No.: 09/820,648) Group Art Unit: 1751
Filed: March 30, 2001) Examiner: Unassigned
For: HEAT ACTIVATED DURABLE)
STYLING COMPOSITIONS)
COMPRISING C₅ TO C₇)
SACCHARIDE UNIT AND)
METHODS FOR SAME)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT

Further to the Notice of Abandonment dated September 3, 2003, and in accordance with 37 C.F.R. § 1.181(a), Applicants respectfully assert this holding of abandonment is in-error, and submit there exists no abandonment in fact.

The Notice of Abandonment states the above-identified application was abandoned for failure to file a timely and proper response to the Notice to File Missing Parts of Nonprovisional Application ("Notice") mailed on May 28, 2001, which set a two month period for response. However, Applicants timely filed a Response to the Notice

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to File Missing Parts of Application ("Response") on ~~July 23, 2001~~ and included a copy of the Notice. A copy of the as-filed Response together with date-stamped postcard is attached.

Applicants note there was a typographical error in the application number listed in the Response and date-stamped postcard, *i.e.*, Application No. "09/821,648" was listed instead of Application No. "09/820,648." However, the copy of the Notice included with Applicants' Response correctly identified "09/820,648" as the application number. Additionally, other identifying information such as the attorney docket number ("05725.0843-00000") was the same on all papers received from and filed in the U.S. Patent and Trademark Office ("PTO").

Applicants believe these papers show that the Response filed by Applicants was a timely response to the Notice mailed by the PTO in this application. Accordingly, Applicants respectfully submit there is no abandonment in fact, and petition for the reconsideration of the holding of abandonment pursuant to 37 C.F.R. § 1.181(a) and M.P.E.P. § 711.03. It is Applicants understanding that this petition under 37 C.F.R. § 1.181(a) does not require a fee. Applicants additionally request that the Response be matched with the correct file so that this case can move forward in prosecution.

If there are any fees due in connection with the filing of this petition, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is

requested, and the Commissioner is authorized to charge any related fees to our
Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2003

By:



Mark D. Sweet
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